

Application No.: 09/541,197

Docket No.: MML-003

Docket No.: MML-003
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jerome S. Golden

Application No.: 09/541,197

Confirmation No.: 4910

Filed: April 3, 2000

Art Unit: 3691

For: SYSTEM AND METHOD FOR PROVIDING
SECURE RETIREMENT BENEFITS VIA A
CONVERSION PROCESS

Examiner: S. E. Chencinski

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Notification of Non-Compliant Appeal Brief mailed May 29, 2008. Please amend the Appeal Brief by substituting the following Summary of Claimed Subject Matter for the Summary included as item V. of the original Appeal Brief filed May 20, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention provides the tools for an individual to conduct much of his or her own retirement planning. The disclosed system functions “as a retirement planning and implementation tool for individuals who have accumulated personal assets and are seeking secured or guaranteed lifetime benefits.” (Spec. p. 12, ll. 3-8.) The system takes funds from asset vehicle accounts and allocates the funds toward desired retirement benefits, such as annuities, over an allocation period specified by the individual. (Spec. p. 19, ll. 2-4.) The assets are converted to the retirement benefits over a period of time on a gradual basis. (*Id.*) Thus, it is the individual’s “decision, based on his or her risk, tolerance, to determine the length of the conversion period and the amount of funds to keep in higher risk investments.” (Spec. p. 19, ll. 8-10.) To enable the individual to manage these and other decisions regarding his or her retirement accounts, the system provides for the valuation of the assets and, more importantly, valuation of the benefits managed by the system.

The system performs various calculations and simulations in order to illustrate to the individual the risks of his selection and the statistical outcomes of his selection. (Spec. p. 41, ll. 15-20.) When a purchase of a benefit is desired, the system determines the value of the benefits purchased to date and also determines the amount of assets remaining to purchase desired benefits. (Spec. p. 33, ll. 4-6.) The system also calculates the target benefit that would be available if the entirety of the asset accounts were allocated toward the purchase of benefits immediately. (Spec. p. 39, ll. 9-15.) The simulations also calculate the current value and target benefit payments at future intervals of the allocation period. (Spec. pp. 42, l. 6 – p. 43, l. 12.) The system thus provides unprecedented tools for the retiree to manage his or her retirement plan.

One advantage of the present invention is that an individual may adjust the benefits in his or her retirement account. Thus, the inventive system provides for changes in the individuals circumstances. The system responds to changed individual input by recalculating the value and target benefits provided by the retirement plan. (Spec. p. 49, ll. 1-7.)

Claims 55, 78 and 80 are independent claims. Claims 55 and 78 set forth an integrated computer system for planning for, implementing and administering a retirement

benefit program. Claim 80 sets forth a method for planning for, implementing and administering a retirement benefit program.

Claim 55 sets forth at least one server operatively connected to a network. (Spec. 12, ll. 10-19.) A data communication link is established with at least one remote client computer. (Spec. p. 17, ll. 18-20.) The server is adapted to store information received from the remote client computer necessary to plan for, implement and administer the retirement benefit program. (Spec. p. 21, ll. 8-12.) The server is further adapted to provide information related to a person's retirement benefit program to the remote client computer. (Spec. p. 18, l. 10 – p. 19, l. 18.) The server includes a controller. (Spec. p. 12, ll. 10-14.) The controller is operatively coupled to storage means for storing financial and statistical information and retirement benefit information. (Spec. p. 20, ll. 11-20.) The information is necessary to calculate current and future values of (i) asset vehicles, including one or more personal assets owned by the person (Spec. p. 20, l. 22 – p. 21, l. 6), (ii) one or more guaranteed life-dependent retirement benefits selected by the person (Spec. p. 21, ll. 8-12), and (iii) benefit payments to the person (Spec. p. 22, ll. 11 – 17). An allocation component is adapted to execute at selected intervals of an allocation period in accordance with a first set of instructions, including information specified by the person, an allocation of a portion of funds corresponding to at least one asset vehicle containing one or more personal financial assets owned by the person towards purchasing one or more fractions of at least a first guaranteed life-dependent retirement benefit that provides income benefit payments to the person. (Spec. p. 32, l. 15 – p. 33, l. 16.) Thus, the first retirement benefit is gradually purchased during the allocation period while allowing the remainder of the funds corresponding to the asset vehicle to generate investment returns. (Spec. p. 6, ll. 9-17.) The controller is adapted to calculate as of the current date: (i) a total current value representative of a sum of a current value of the first retirement benefit purchased to date based on an individual, personal actuarial valuation of the benefit and a market value of the asset vehicle (Spec. p. 17, ll. 1-6; p. 19, ll. 20-22; p. 22, ll. 11-17; p. 33, ll. 4-10), and (ii) a target benefit payment value representative of a benefit payment available to the person if the allocation component immediately accelerates the allocation period by executing an allocation of funds corresponding to the total current value towards purchasing a remainder of the first guaranteed life-dependent retirement benefit (Spec. p. 39, ll. 9-13). The controller is also adapted to calculate for each future interval of the allocation period: (i) a total current value and (ii) a target benefit payment,

employing relevant portions of the stored financial and statistical information related to future market performance, inflation and interest rates. (Spec. p. 32, l. 15 – p. 33, l. 10.) The server provides the total current value and the target benefit payment value as of the current date, and the total current values and the target benefit payment values of future intervals of the allocation period to the remote client computer for consideration by the person. (Spec. p. 42, l. 6 – p. 43, l. 12.) The controller is further adapted to recalculate for each future interval of the allocation period a recalculated total current value and a recalculated target benefit payment value based on change information received from the remote client computer including a change to the retirement benefit program specified by the person. (Spec. p. 34, l. 11 – p. 35, l. 1.) The server provides the recalculated total current values and the recalculated target benefit values of future intervals of the allocation period to the remote client computer for consideration by the person. (Spec. p. 34, ll. 4-9). The allocation component is further adapted to alter the allocation of funds towards achieving the recalculated total current values and the recalculated target benefit payment values in accordance with a second set of instructions including information specified by the person based on the change to the retirement benefit program. (Spec. p. 34, l. 16 – p. 35, l. 2.)

Claim 78 sets forth at least one server operatively connected to a network. (Spec. 12, ll. 10-19.) A data communication link is established with at least one remote client computer. (Spec. p. 17, ll. 18-20.) The server is adapted to store information received from the remote client computer necessary to plan for, implement and administer the retirement benefit program. (Spec. p. 21, ll. 8-12.) The server is further adapted to provide information related to a person's retirement benefit program to the remote client computer. (Spec. p. 18, l. 10 – p. 19, l. 18.) The server includes a controller. (Spec. p. 12, ll. 10-14.) The controller is operatively coupled to storage means for storing financial and statistical information and retirement benefit information. (Spec. p. 20, ll. 11-20.) The information is necessary to calculate current and future values of (i) asset vehicles, including one or more personal assets owned by the person (Spec. p. 20, l. 22 – p. 21, l. 6), (ii) one or more guaranteed life-dependent retirement benefits selected by the person (Spec. p. 21, ll. 8-12), and (iii) benefit payments to the person (Spec. p. 22, ll. 11 – 17). A simulation component is adapted to generate a plurality of sample retirement benefit programs in accordance with one or more retirement benefit program choices specified by the person, each sample retirement benefit program including simulated results of allocations of portions of funds

corresponding to at least one asset vehicle containing one or more personal financial assets owned by the person towards purchasing one or more fractions of at least one of a plurality of available guaranteed life-dependent retirement benefits at selected intervals of a plurality of available allocation periods. (Spec. p. 20, ll. 11-20; p. 31, ll. 6-20.) The simulated results including for each of selected intervals of the available allocation period: (i) a simulated total current value representative of a sum of a current value of the available guaranteed life-dependent retirement benefit purchased to date based on an individual, personal actuarial valuation of the benefit and a market value of the asset vehicle, and (ii) a simulated target benefit payment value representative of a benefit payment available to the person if the allocation period is accelerated by executing an allocation of funds corresponding to the simulated total current value towards purchasing a remainder of the available guaranteed life-dependent retirement benefit. (Spec. p. 39, ll. 9-20; Fig. 4b.) The simulation component is further adapted to recalculate the simulated total current value and the simulated target benefit payment value for each of selected intervals of the available allocation period based on at least change information received from at least the remote client computer including at least one change to the sample retirement benefit program specified by the person. (Spec. p. 41, l. 22 – p. 43, l. 43.) The controller is adapted to implement at least one actual retirement benefit program based on selection information received from at least the remote client computer including information identifying at least one sample retirement benefit program selected by the person for implementation. (Spec. p. 48, ll. 1-22.)

Claim 80 sets forth a method including allocating at selected intervals of an allocation period in accordance with a first set of instructions, including information specified by a person, an allocation of a portion of funds corresponding to at least one asset vehicle containing one or more personal financial assets owned by the person towards purchasing one or more fractions of at least a first guaranteed life-dependent retirement benefit that provides income benefit payments to the person. (Spec. p. 32, l. 15 – p. 33, l. 16.) The first retirement benefit provides one or more income benefit payments to the person to gradually purchase the at least first retirement benefit during the allocation period while allowing the remainder of the funds corresponding to the asset vehicle to generate investment returns. (Spec. p. 6, ll. 9-17.) The method includes calculating as of the current date: (i) a total current value representative of a sum of a current value of the first retirement benefit purchased to date based on an individual,

personal actuarial valuation of the benefit and a market value of the asset vehicle (Spec. p. 17, ll. 1-6; p. 19, ll. 20-22; p. 22, ll. 11-17; p. 33, ll. 4-10), and (ii) a target benefit payment value representative of a benefit payment available to the person if the allocation period is accelerated by executing an allocation of funds corresponding to the total current value towards purchasing a remainder of the first guaranteed life-dependent retirement benefit (Spec. p. 39, ll. 9-13). The method includes calculating for each future interval of the allocation period: (i) a total current value and (ii) a target benefit payment, employing relevant portions of the stored financial and statistical information related to future market performance, inflation and interest rates. (Spec. p. 32, l. 15 – p. 33, l. 10.) The method includes providing the total current value and the target benefit payment value as of the current date, and the total current values and the target benefit payment values of future intervals of the allocation period to the remote client computer for consideration by the person. (Spec. p. 42, l. 6 – p. 43, l. 12.) The method includes recalculating for each future interval of the allocation period a recalculated total current value and a recalculated target benefit payment value based on change information received from the remote client computer including a change to the retirement benefit program specified by the person. (Spec. p. 34, l. 11 – p. 35, l. 1.) The method includes providing the recalculated total current values and the recalculated target benefit values of future intervals of the allocation period to the remote client computer for consideration by the person. (Spec. p. 34, ll. 4-9). The method also includes altering the allocation of funds towards achieving the recalculated total current values and the recalculated target benefit payment values in accordance with a second set of instructions including information specified by the person based on the change to the retirement benefit program. (Spec. p. 34, l. 16 – p. 35, l. 2.)

Conclusion

Appellant respectfully submits that the above Summary of Claimed Subject Matter fully complies with the requirements of 37 C.F.R. § 41.37(c)(1)(v). Appellant submits that the substitution of the above Summary in the Appeal Brief filed May 20, 2008, renders the Appeal Brief fully compliant with 37 C.F.R § 41.37. This paper fully complies with the procedures set forth in M.P.E.P. § 1205.03 (8th Ed. Rev. 3, 2005.) Appellant requests that the Appeal Brief as amended to include the above summary be considered by the Examiner. Any fees that may be due with this response may be charged to the undersigned's deposit account 50-4494.

Dated: June 25, 2008

Respectfully submitted,

By /Carl Benson/

Carl Benson
Registration No.: 38,378
GOODWIN PROCTER LLP
901 New York Avenue, NW
Washington, DC 20001
(202) 346-4000
Attorney for Appellant